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Attorney's Docket 081468-0308380
Client Reference: P-1523.010-US

NOV 09 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
SVEN ANTOIN JOHAN HOL ET AL.

Confirmation No: 3921

Application No.: 10/797,662

Group Art Unit: 2851

Filed: March 11, 2004

Examiner: GUTIERREZ, Kevin C.

Title: LITHOGRAPHIC LINEAR MOTOR, LITHOGRAPHIC APPARATUS, AND
DEVICE MANUFACTURING METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Response to Election of Species Requirement

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Title: LITHOGRAPHIC LINEAR MOTOR, LITHOGRAPHIC APPARATUS, AND
DEVICE MANUFACTURING METHOD**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**Mail Stop Amendment
United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Election of Species Requirement of the Office Action dated October 21, 2005, Applicants hereby provisionally elect Species I (the species depicted by Fig. 2), in which all the claims (i.e., claims 1-19) read on elected Species I. This election is made *with traverse*.

It is respectfully submitted that, as noted above, all the claims (i.e., claims 1-19) read on elected Species I. It is further respectfully submitted that at least independent claims 1, 10 and 11 are generic. In other words, independent claims 1, 10, and 11 each specifically recite an open coil unit including a plurality of coils wound about respective ferromagnetic cores. And, each of the alleged species, depicted by FIGs. 2, 4, and 5, illustrate and identify such a feature.

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In addition, it is respectfully submitted that the subject matter of each of the alleged species is sufficiently related such that a thorough search and examination of any one species would necessarily encompass the search and examination of the remaining species and subspecies.

Accordingly, it is respectfully submitted that the search and examination of the entire application can be conducted without serious burden and that the Election of Species Requirement fails to satisfy the criteria of MPEP §803. MPEP § 803 clearly states that "[i]f the search and examination of the entire application can be made without serious burden, the Examiner *must* examine it on its merits, even though it includes claims to distinct or independent inventions" (*emphasis added*). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the U.S. Patent and Trademark Office.

Reconsideration and withdrawal of the Election of Species Requirement are respectfully requested.

Respectfully submitted,

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